

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT SANGO,

Plaintiff,

Civil Action No.
14-CV-11402

vs.

HON. MARK A. GOLDSMITH

STEVEN BENN,

Defendant.

/

ORDER DISMISSING CASE AND DENYING PENDING MOTIONS AS MOOT

On April 2, 2014, Plaintiff Robert Sango filed the instant case pro se against Defendant Steven Benn, asserting claims arising under 42 U.S.C. § 1983. See Compl. (Dkt. 1). Since that time, he filed three additional motions that are pending before the Court: a motion to compel production (Dkt. 2), a motion for supplemental “pendent” jurisdiction (Dkt. 5), and a motion for subpoena “duces tecum” for production or inspection (Dkt. 7). Defendant has not yet responded to the Complaint, nor does it appear that Defendant has been served.

Plaintiff filed a motion to dismiss the case pursuant to Federal Rule of Civil Procedure 41 on May 8, 2014 (Dkt. 8). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action without court order by filing a “notice of dismissal” before the opposing party serves either an answer or a motion for summary judgment. Given that Defendant has not yet responded to the Complaint, Plaintiff may, therefore, dismiss the case without a court order. In light of Plaintiff’s pro se status, the Court interprets Plaintiff’s motion as a notice of dismissal. See Wells-Rider v. Westfield Group, No. 10-333, 2010 WL 2302337, at *1 (S.D. Ohio June 4, 2010) (“[W]hen the plaintiff has the right to file a notice of dismissal under Rule 41(a)(1)(a)(i) but

files a motion instead, some courts will deem the motion to dismiss (especially if filed by a pro se plaintiff) as such a notice.”). Accordingly, the Court dismisses the case without prejudice. The Court also denies the pending motions (Dkts. 2, 5, 7, and 8) as moot.

SO ORDERED.

Dated: May 12, 2014
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 12, 2014.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager